

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

SURFER INTERNET BROADCASTING  
OF MISSISSIPPI, LLC,

Plaintiff,

v.

Civil Action No. 4:07cv34-M-B

XM SATELLITE RADIO INC., and  
SIRIUS SATELLITE RADIO INC.,

Defendants.

**MOTION TO WITHDRAW AS COUNSEL**

Movants, The Scruggs Law Firm and all partners and employee attorneys who have entered an appearance herein, respectfully move to withdraw as co-counsel of record for the Plaintiffs, and in support thereof would show the following:

1. Plaintiffs are presently represented by **WARD & OLIVO, POVALL & JEFFREYS, P.A., MONTS & WARE, L.L.P., McKOOL SMITH, P.C., and LANGSTON LAW FIRM** who will continue to serve as counsel for Plaintiffs.

2. The Scruggs Law Firm wishes to withdraw based on MRPC Rules 1.16(b)(3), 1.16(b)(5), and 1.16(b)(6), which state in part that "a lawyer may withdraw from representing a client if ... good cause for withdrawal exists."

3. Other attorneys involved in this cause will continue to represent the Plaintiffs in regards to their claims and are, or will be, in receipt of all Plaintiffs' files and such withdrawal will not hinder nor harm the Plaintiffs' or Defendants' positions.

WHEREFORE, PREMISES CONSIDERED, The Scruggs Law Firm and all partners and employee attorneys who have entered an appearance herein, move for an Order granting Movants' motion for withdrawal of representation as co-counsel for Plaintiffs herein, and providing that Movants are relieved of any further responsibility associated with the representation of this party in this case. Movants request such further general or specific relief to which they may be entitled.

Respectfully submitted, this the 19th day of December, 2007.

THE SCRUGGS LAW FIRM, P.A.

RICHARD F. SCRUGGS

DAVID ZACHARY SCRUGGS

DAVID W. SHELTON

/s/ Richard F. Scruggs

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**ATTORNEYS FOR PLAINTIFF,  
SURFER INTERNET BROADCASTING  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system sent notification of such filing to the following counsel of record:

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This the 19<sup>th</sup> day of December, 2007.

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